IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 727 (S/S) of 2007

Ganesh Chandra Joshi S/o Late Devi Dutt Joshi
Presently posted as Assistant Teacher Junior High School Baralu, Block Moonakot
District – Pithoragarh ------Petitioner

Versus

1. State of Uttarakhand through Director of Education Vidyalayi Shiksha Uttarakhand, Dehradun
2. Additional District Education Officer (Basic), Pithoragarh
3. Block Education Officer, Moonakot, District Pithoragarh

------Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri K.N. Joshi, learned counsel for the petitioner and Sri Ashish Joshi, learned Standing Counsel State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has challenged the transfer order dated 2nd June, 2007 passed by respondent no. 3 Block Education Officer, Moonakot, District Pithoragarh.

It is a settled law that High Court should not interfere with the transfer order until or unless the transfer order is passed against the statutory rules, it has been passed mala fide or by the authority which is not competent to pass transfer order.

By the impugned order, the petitioner has been sent to the place where he was actually posted and, thus, the attachment of the petitioner to the present school has been challenged. The attachment is cancelled in pursuance to the Government Policy.

The submission of the learned counsel for the petitioner is that petitioner was not attached with the present institution and, consequently, the impugned order is passed illegally.

In the circumstances, petitioner may make representation before the appropriate authority raising all his grievances and the authority is directed to take decision on the representation of the petitioner by speaking order with a period of three weeks from the date of production of a certified copy of this order.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

28.06.2007
VKS